

The application stands objected to in Paper #4 for lack of assignee's establishment by assignee of its ownership interest. Applicant has attached a second "Assent by Assignee" in which evidence of recordation of ownership interest (in the form of referenced reel and frame numbers) is provided. Applicant submits that the objection has been obviated by this "Assent."

Applicant acknowledges the Examiner's reminder that the original patent, or an affidavit or declaration as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. Applicant notes that the original papers for this reissue application includes the assignee's Offer to Surrender.

The reissue declaration is identified, in paragraphs 3-4 of Paper #4, as being defective, both as lacking the inventor's residence and mailing address, and for failing to state an error upon which reissue can be based.

Applicant is enclosing herewith a "Supplemental Reissue Declaration" which sets forth both inventor's residence and mailing addresses and, further, contains a statement of an error upon which reissue can be based, i.e., that of "claiming more or less than I had a right to claim." The Supplemental Reissue Declaration further sets forth a specific error in failing to claim subject matter disclosed in the specification and now recited by claims 7-12 (the text of claim 7 in the Declaration having been corrected to remove a typographical error at line 1 thereof). Applicant submits that the Supplemental Reissue Declaration establishes a proper basis for reissue, and the withdrawal of the rejection of claims 1-6 as based upon a defective reissue declaration (as set forth in paragraph 9 of Paper #4) is respectfully requested.

In paragraphs 5-8 of Paper #4, the Examiner has asserted a restriction requirement, and Applicant wishes to thank the Examiner for the further clarifications and assistance received in connection therewith in a telephone conference with Applicant's undersigned representative on February 25, 2002. Applicant hereby acknowledges and ratifies the election of Group I under 37 C.F.R. § 1.176(b) and, further, confirms his intent to soon file a divisional application directed to the subject matter of withdrawn, non-elected claims 7-12.

Turning to the art-based rejections of claims 1-5, as set forth in paragraphs 11-14 of Paper #4, claims 1-3 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,266,257 (*Kildune*), while claims 4-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Kildune* as applied to claims 1-3. Applicant respectfully traverses.

Kildune is directed to making an embossing roll, to be used in “an embossing process in which [a] film is passed between a pressure roll and an embossing roll to receive [] decorative indicia” (col. 1, ll. 14-16; *see, also*, col. 5, ll. 35-39, and Figure 5). As best seen in the cross-section appearing as Figure 4, the embossing roll made by *Kildune*’s process comprises a “core rod 26” about which a cylindrical “embossing roll 32” is molded. “Especially suitable materials” for the over-molded embossing roll 32 are “cured polyurethane and cured epoxies” (col. 5, ll. 19-20). As taught, the inner surface of an encompassing, flexible sleeve 16 forms a portion of the mold cavity to thereby define the exterior surface of the embossing roll 32 during the molding process.

Noting that a “sheet” is generally regarded as “a broad, thin, usually rectangular mass or piece of material, such as paper, metal, glass, or plywood,” *American Heritage Dictionary* (3rd Ed. 1996), *Kildune* does not disclose a “cover sheet” as claimed by Applicant in independent claim 1, nor does *Kildune* disclose a “base layer” with a “heat application release coating” as recited in that claim. Moreover, *Kildune* teaches only a pressure-resistant molded embossing roll 32 (as evidenced by its use in connection with pressure roll 38 in Figure 5) and, hence, is likewise completely silent as to the recited limitations of claim 1 that the “heat application release coating on the base layer ... exhibit[] a heat resistant and pressure resistant debossed or embossed impression” and that “said cover sheet, when placed with its release coating against and in registry with the thermoplastic surface of an emblem and heat and pressure are applied on said cover sheet and toward the emblem, the pattern is formed on the thermoplastic surface of the emblem” (emphasis added). By way of further example, the “core rod 26” of *Kildune* is likely formed of metal and, hence, is incapable of meeting the limitation of dependent claim 2 that the “base layer is selected from the group consisting of paper, fabric and plastic.” Simply stated, in view of these deficiencies, *Kildune* is incapable of anticipating claims 1-3.

Likewise, with respect to the obviousness rejection of claims 4 and 5 based on *Kildune* as applied to claims 1-3, *Kildune* teaches a molded-in embossing surface on the exterior of embossing roll 32 that is always obtained using a complementary molded sleeve 16, in order to achieve its stated objective of a making a “seamless” embossing roll in an economical manner (col. 1, ll. 20-23) while otherwise achieving its desired repeating pattern. The resulting molded surface features or pattern necessarily teaches away from both a machined surface feature (“an engraved impression formed by using a laser cutter or a precision knife,” as recited in claim 4) and a pressure-formed surface feature (“an impression formed by stamping,” as recited in claim 5). When combined with the other shortcomings of *Kildune* with respect to the substantive elements recited in base claim 1, Applicant submits that claims 4 and 5 are not obvious in view of *Kildune*. Accordingly, the withdrawal of the rejections of claims 4 and 5 based on *Kildune* is respectfully requested.

Claims 1-5 further stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,405,675 (*Sawka*). Applicant respectfully traverses.

Sawka is directed to a multilayer film 10 in which an embossed base layer is covered with a “conformable, substantially uniformly thick protective surface layer that overlies the base layer” (col. 2, ll. 39-41; *see, also*, col. 3, ll. 57-62). *Sawka* further teaches a method for providing such embossed multilayer films that comprises:

providing the base layer and applying a polymerized surface layer of substantially uniform thickness to the base layer. The base layer is then embossed while retaining a surface layer of substantially uniform thickness. The base layer is embossed at a temperature between the softening temperature and the decomposition temperature of the base layer but less than the softening temperature of the surface layer. In certain instances, the surface layer may not have a softening temperature, in which event the embossing temperature should be less than the decomposition temperature of the surface layer. Preferably the base layer is embossed at a temperature of about 95°C. to 205°C.

(Col. 3, ll. 25-31, emphasis added).

Applicant's independent claim 1 recites a "heat application release coating" wherein the "release coating exhibit[s] a heat resistant and pressure resistant debossed impression" (emphasis added). As explained by Applicant at col. 4, ll. 50-59, a release coating "exhibiting" an impression means a release coating that itself includes the impression-defining grooves and/or ridges:

The engraved cover sheet 26, a cross-section of which is depicted in FIG. 8, comprises a base layer 30 with a release coating 32 applied to the base layer 30. As can be seen in FIG. 8, the indentations 33 that are made during the impressing process are confined to the release coating 32 so that the base layer 30 is left intact and can be used as a support means for the release coating 32. Accordingly, if the cover sheet 26 is to be engraved, the engraving must be adjusted so as not to cut deeper than the thickness of the release coating 32.

Thus defined, *Sawka* neither teaches nor suggests a base layer having a "heat application release coating" wherein the "release coating exhibit[s] a heat resistant and pressure resistant debossed impression" (emphasis added). Instead, *Sawka* divergently teaches an embossed base layer that is covered by a uniform-thickness surface layer (literally, the surface layer is not itself the source of the impression). Still further, there is no teaching or suggestion in *Sawka* that the surface layer provides the disclosed multilayer film with "a heat resistant and pressure resistant ... impression," let alone that, if the disclosed multilayer film were placed with its surface layer against a thermoplastic surface of an emblem, and heat and pressure are applied, that the multilayer film would form a pattern on the emblem's thermoplastic surface, as recited by claim 1. As such, Applicant submits that *Sawka*'s surface layer is clearly not "equivalent to applicant's release coating," as urged by the Examiner at page 5 of the Detailed Action. Accordingly, Applicant respectfully requests the withdrawal of the obviousness rejections of claims 1-5 in view of *Sawka*.

From the foregoing, Applicant respectfully submits that claims 1-6 are patentable over the references of record in this reissue application. Accordingly, the allowance of claims 1-6 is respectfully requested.

Applicant has calculated no additional filing fees to be due in connection with the filing of this Paper. However, the Commissioner is hereby authorized to charge any fee

deficiency incurred as a result of the filing of this Paper to Deposit Account No. 02-3978. A duplicate copy of the first page of this Paper is enclosed for this purpose.

Respectfully submitted,

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Enclosures